

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

) Subcase No. 47-17131
)

Case No. 39576

) **Standard Form 5**
)
)

) **STIPULATED ELEMENTS**
) **OF A WATER RIGHT**
)
_____)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

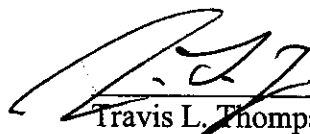
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

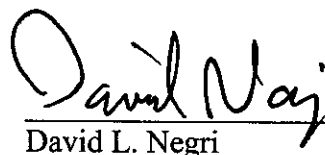
CLAIMANT:

Patricia Bedke
Karl U Bedke
Scott Bedke
Michael A. Poulton

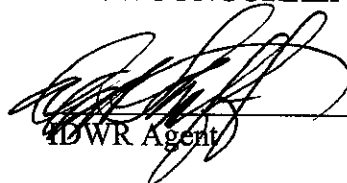
OBJECTOR:

United States on behalf of the
USDA Forest Service

 9/2/04
Travis L. Thompson Date

 9/1/04
David L. Negri Date

IDWR CONCURRENCE:

 9/1/04
IDWR Agent Date

ATTORNEY FOR IDWR:

Date

CERTIFICATE OF MAILING

I certify that on September 2nd 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

Travis L. Thompson
Barker Rosholt & Simpson LLP
113 Main Ave. West, Suite 303
Twin Falls, ID 83301

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724


Travis L. Thompson

Right Number: 47-17131

Name and Address: PATRICIA BEDKE
KARL BEDKE
1876 S 600 W
OAKLEY, ID 83346

SCOTT BEDKE
450 N CENTER AVE
OAKLEY, ID 83346

MICHAEL A POULTON
605 W 2200 S
OAKLEY, ID 83346

Source: THOROUGHbred CREEK Tributary: GOOSE CREEK
THOROUGHbred CREEK, EAST FORK Tributary: THOROUGHbred CREEK
THOROUGHbred CREEK, WEST FORK Tributary: THOROUGHbred CREEK

Quantity: .02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 47-16448 and 47-16470 AND
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL
COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Priority Date: ~~04-01-1872~~ 02-04-1895

Diversion Point: T16S R19E S03 NWNWSW (Instream Beginning) Cassia
S10 SENENW (Instream Beginning) Cassia
S21 NWSESW (Instream Beginning) Cassia
NWSESW (Instream Ending) Cassia
S32 NWNE (Instream Ending) Cassia

Purpose and
Period of Use: Purpose of Use Period of Use Quantity
Stockwater 04-01 TO 11-30 .02 CFS

Place of Use: Stockwater Within Cassia County
T16S R19E S04 NESE SESE
S09 NENE NWNE
SWNE NESW
SESW NWSE
S10 NENW SWNW
SENW NWSW
SWSW
S15 NWNW SWNW
NWSW SWSW
S16 NENW SENW
NESW SESW
S21 NENE SWNE
SENE NENW
SWNW SENW

	NESW	NWSW
	SWSW	SESW
	NWSE	
S22	NWNW	
S28	NENW	NWNW
	SWNW	NWSW
S29	NESE	SESE
S32	NENE	

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

~~The operation, use and administration of this water right is also subject to the terms and conditions of the Stipulation and Joint Motion for Order Approving Stipulation entered into on August 29, 2002 between the United States of America and Western Stockgrowers Association, et. al.; the provisions of such Stipulation to apply fully to this water right.~~

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND SCOTT BEDKE, KARL U. BEDKE, AND MICHAEL POULTON, FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179; AND THE STIPULATION BETWEEN THE UNITED STATES AND PATRICIA BEDKE, ENTERED INTO ON JUNE 10, 2004, FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 8, 2004 AS INSTRUMENT NO: 296141, THE PROVISIONS OF SUCH STIPULATIONS TO APPLY FULLY TO THIS WATER RIGHT.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER USE FOR UP TO 2000 CATTLE DISPERSED THROUGH GRAZING UNIT.